



Los Angeles County  
Department of Regional Planning



*Planning for the Challenges Ahead*

Richard J. Bruckner  
Director

January 24, 2013

TO: Mitch Glaser  
Hearing Officer

FROM: Tyler Montgomery *TM*  
Zoning Permits West Section

SUBJECT: **PROJECT NO. 97139-(4)**  
**CONDITIONAL USE PERMIT NO. 201100131**  
**February 5, 2013 Continued Public Hearing**  
**Agenda Item No. 3**

Agenda Item No. 3 is a conditional use permit to allow the continued sale of beer and wine for on-site consumption at an existing restaurant in the C-3-BE (Unlimited Commercial—Billboard Exclusion) Zone. The restaurant, La Casita Olvera, is located at 14223 East Leffingwell Road in the Sunshine Acres Zoned District of Los Angeles County. This item was continued from the September 18, 2012 public hearing date to allow the applicant to apply for a minor parking deviation. The application for a minor parking deviation was subsequently submitted to Regional Planning on January 15, 2013 (RPKD 201300001). While a minor parking deviation may be granted by the Director without a public hearing, it may be considered concurrently by the Hearing Officer when related to a public hearing item.

Section 22.52.1110 of the County Code determines parking requirements for assembly and dining uses. A restaurant requires a minimum of one on-site parking space per each three persons based on its occupancy load, as determined by the Building & Safety Division of the Department of Public Works. A certified occupancy load of the subject restaurant indicates a maximum occupancy of 71 persons. Therefore, the restaurant requires a minimum of 24 on-site parking spaces. In addition, the 1,778-square-foot office would require four parking spaces, and the 1,778-square-foot auto parts shop would require seven parking spaces, per the requirements of Section 22.52.1100 of the County Code. As a result, the commercial center would require a total of 35 on-site parking spaces. While the commercial center was approved with 25 parking spaces in 2001, the restaurant has expanded into an adjacent unit and increased its occupancy since its previous approval. Therefore, the applicant is requesting a minor parking deviation to permit 25 on-site parking spaces rather than the required 35 spaces. A minor parking deviation may approve a reduction in parking of up to 30 percent, per Section 22.56.1762 of the County Code. Therefore, the proposed 29 percent reduction in parking may be considered.

While a total of 35 spaces would normally be required for all uses on the project site, the existing 25 parking spaces are adequate to accommodate the uses at the project site. The peak period of use for the restaurant is generally the evening, while the financial office and auto parts store operate primarily during the day. In addition, the take-out portion of the restaurant has a maximum occupancy of 18 persons, which requires six parking spaces. While this number of take-out patrons is technically feasible, it generally does not occur. Therefore, the minor parking deviation required for the 19 percent reduction in spaces is appropriate.

As a result, in addition to staff's original recommendation of approval for the conditional use permit, staff now recommends approval of the associated minor parking deviation, in accordance with the revised findings and conditions attached to this memo.

Attachments:

Revised Draft Findings (01/24/13)

Revised Draft Conditions of Approval (01/24/13)

Applicant's Minor Parking Deviaton Burden of Proof

01/24/13

RS:TM

**DRAFT CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. 97139-(4)  
CONDITIONAL USE PERMIT NO. 201100131  
MINOR PARKING DEVIATION NO. 201300001**

**PROJECT DESCRIPTION**

The project consists of the continued sale of beer and wine for on-site consumption at an existing restaurant subject to the following conditions of approval and a minor parking deviation to allow 25 on-site parking spaces rather than the required 35 spaces—a reduction of 29 percent:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term “permittee” shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee has filed at the office of the Los Angeles County (“County”) Department of Regional Planning (“Regional Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term “date of final approval” shall mean the date the County’s action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning’s cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee’s counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on February 5, 2028.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund

provides for eight (8) biennial (one every other year) inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director.
14. All development pursuant to this grant shall conform to the requirements of County Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a

result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by November 19, 2012.

17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

#### PERMIT SPECIFIC CONDITIONS

18. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein;
19. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
20. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program, or other similar program as determined by the Director, provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request;
21. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures;
22. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;
23. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public;
24. This grant authorizes the sale of alcoholic beverages from 9:00 a.m. to 10:00 p.m., seven days a week.

25. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary;
26. The permittee shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Planning for approval prior to the approval of the Exhibit "A". A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu;
27. All servers of alcoholic beverages must be at least 18 years of age;
28. There shall be no music or other noise audible beyond the restaurant premises;
29. No live entertainment, dancing, or dance floor is authorized in or outside the premises;
30. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant;
31. Food service shall be continuously provided during operating hours;
32. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot, and;
33. A minimum of 25 on-site parking spaces shall be maintained on the project site. Said spaces shall be maintained to the specifications of Title 22, Part 11 of the Los Angeles County Code.



## MINOR PARKING DEVIATION BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.1690, the applicant shall substantiate the following:

*(Do not provide one word or Yes/No responses. If necessary, attach additional pages.)*

A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of this Title 22.
Consisting with the general plan
B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of this site for the particular use or development intended, is arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice.
The others tenants, legal office and parts close early and I can use its parking spaces
C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.
yes is suitable because the cars traffic is low and take few time to get services.